

ADEPT Political Commentaries

January-February 2003

2003 electoral year

January 9, 2003

General local elections are due in 2003. The 4-year mandate of the local bodies expires on May 23 consequently elections are to be held in May. It would be very interesting to examine the relationships between the ruling party and opposition in this context.

It seems much tension would surround elections and there are enough grounds for such gloomy forecasts. Firstly, the Communist Party holding the majority in Parliament amended the legal framework regulating local public administration and administrative-territorial division of the country. Recently, they have also amended the Law on Political Parties, and soon are to amend the Electoral Code as well, in particular provisions referring to the election of city and village mayors, at least they claim to do so during the meetings with the citizens of the country. Noteworthy, opposition rejected all the aforesaid amendments and contested them via different procedures. Opposition claims Communist Party is laying the grounds for an authoritarian regime, enabling it to stay in power as long as possible.

During the last December session of the Permanent Round Table (PRT) leaders of opposition parties called on joining the forces against Communist Party intentions to change the rules of the game on the eve of elections. They cited Council of Europe (CE) standards providing that six months prior to elections, electoral law may not be amended. However, there are indications that the Permanent Round Table mechanism established in view of fostering the dialogue between opposition and ruling party is not functioning. One indication is that ruling party is deliberately disregarding Permanent Round Table. On the other hand the major opposition party, Christian-Democratic Peoples' Party, as well other opposition parties stated on numerous occasions that PRT was useless as long as the ruling party was not attending. And last but not least, CE delegation headed by Jorgen Grunet, special representative of the CE General Secretary, Walter Schimmer, disapproved the attempts to turn PRT into a mechanism of opposition unification. He insisted on identifying a limited set of issues of paramount importance for the Republic of Moldova, which are to be solved by the ruling party via a dialogue with opposition. Consequently the only mechanism allowing opposition parties to coordinate their activities is inoperable. Indeed opposition is wasting the scarce resource still in its possession. Social Democratic Alliance (SDA), Liberal Party (LP) as well as few other small parties are the only ones insisting on settling disputes via PRT. The Social Democratic Party, Democratic Party, and Social Liberal Party share Christian-Democrats' believe that PRT is useless as long as Communists do not attend. Social-Democratic Party believes it's much more efficient to ask Council of Europe not to allow Republic of Moldova to overtake the Presidency of the CE Ministerial Council until CE and OSCE standards are met with respect to 2003 local elections. Christian-Democrats have already announced that they would resume the protest rallies unless Communists comply with PACE Resolutions. Furthermore, the two socialist parties hosted a press conference in December 2002 and severely criticized the ruling party for its social policies, however they refrained from positioning themselves in opposition to the ruling party.

In general, wasting of opposition resources is extremely advantageous for the ruling party. Communist Party disregarded opposition in the past and continues to do so. The 71% majority allows Communists to pursue their interests and consolidate their positions. It was only the 4-months protest rallies staged by the Christian Democrats commencing 9 January 2002 that tempered Communists. And this only after PACE interfered and adopted two resolutions on the functioning of democratic institutions in the Republic of Moldova. Also CE was the one to recommend the establishment of a PRT as a conflict settlement mechanism. Now that opposition has proved its inability to unite its forces, Communists have all the reasons to point CE that opposition is in fact dispersed and unable to reach common ground and there is nobody for them to talk to. Indeed, there are some initiatives undertaken by opposition parties, which fail to gain the support of the rest of opposition parties. For instance, Social-Democratic Alliance launched the idea of a referendum on changing the electoral system without any prior consultation of other opposition parties. As a result the initiative enjoyed the support of only few parties, among others of the Liberal Party. Another illustration is the draft on the Republic of Moldova federalization viewed totally different by opposition parties, consequently once again it would not consolidate opposition forces. Needless to say opposition viewed Communists' invitation to debate the federalization draft as a challenge and an attempt to split the opposition. And finally the last example, last year Christian-Democrats initiated the modification of the Law on Political Parties in view of raising the number of members required for party registration from 5,000 to 15,000. The rest of opposition parties severely criticized the initiative. It seems the only consolidating idea might be Christian-Democrats' initiative to hold a referendum on joining EU, however the idea to subject the issue of joining NATO to the referendum left some opposition parties reluctant.

As for the Communist Party, it adopted an extremely efficient tactics in relations with opposition and CE. They pushed their interests to the limit and then were called upon by CE. Then followed a long period of resolution implementation, when in fact minor and insignificant concessions were made. Those concessions did not affect party interests as far as property redistribution or shaping public opinion is concerned. Of course there was always the temptation to see what happens if the resolutions were ignored or only partially implemented. There is the example of Russia, which was repeatedly warned with regard to human rights violations in Chechnya, nevertheless no serious sanctions were imposed. Once convinced that there is no external pressure if they mock the resolutions' enforcement, Communists have resumed their policy of edifying an authoritarian regime. There is no domestic pressure too, as the party controls public opinion via state controlled mass media, especially state TV, and the Communist Party has no intention to ever give up on it. Thus, step by step Communist Party is achieving its goals and acquiring valuable political experience, enabling the party to surpass even further the opposition. For instance, Communists have practically achieved their goal to establish the vertical power, a goal set immediately after elections. Staff cleansing among the law enforcement forces, especially among judges and prosecutors, legal and even constitutional modifications have allowed President Voronin to assume the prerogatives of a prosecutor or even a judge. Only last year, three Cabinet members were ousted after being accused of corruption by the President of the country. Facts related to the investigation were never made public, however later on the same officials were assigned to other high-rank positions.

It seems the Communist Party didn't have a specially devised strategy or plan in this respect. The only strategy they had was probably that of "minimum effort", i.e. reacting to the challenges. Under favorable foreign conjuncture this strategy may prove to be highly efficient. Indeed, EU and NATO extension resulted in a favorable environment opening new opportunities for the Republic of Moldova, and Communists took a full advantage thereof, ostentatiously defying their party doctrines and principles. And the only justification provided was that the new conjuncture might be exploited for the welfare of the Republic of Moldova.

Under those circumstances, opposition criticizes in vain international organizations and western countries for their relations with the Communist ruling. Opposition was told on several occasions to consolidate its forces in order to be an equal match to the ruling party, but it never followed the advice. There is no room for idle talk, and that is why foreign organizations and states work with those forces controlling the socio-political situation and ensuring the stability in the country. In conclusion 2003 electoral year would be a very difficult year for the opposition parties. They would be exhausted by the recent amendments to the Law on Parties obliging them to yearly confirm the existence of at least 5,000 members. Furthermore, ruling party threatened CEC for being unbiased in electoral matters. This is how Communist Party rewards CEC for the praises Republic of Moldova got in Washington, namely ensuring free and fair elections, which in fact brought Communists to power.

Undermining the integrity of the electoral process

January 17, 2003

"Integrity of the electoral process" is the only criteria for assessing the way local elections are conducted. This principle requires observance of both ethical norms and provisions of the election law so as to allow citizens to freely express their will. Consequently, electoral process should be examined from the perspective of "its unity". In this respect, all the procedures related to the electoral process, be it collection of signatures in favor of a candidate registration or another procedure should be viewed as component parts of the electoral process integrity. Article 1 of the Electoral Code defines elections as encompassing referenda as well. Consequently, all the procedures starting with the registration of the indigenous initiative groups collecting signatures, to elections coverage in mass media, and adjudication of electoral disputes should be also viewed from the perspective of "electoral process integrity" principle.

From the first multiparty elections in 1994 until Communist Party victory in 2001 elections, international institutions, in particular OSCE, viewed the electoral process in the Republic of Moldova as a fairly democratic one. Indeed, there were some violations registered during the 6 electoral campaigns since 1994, however they didn't have a crucial impact on the election results. Fair elections in the Republic of Moldova were cited in the joint statement of George W. Bush and Vladimir Voronin of December 17, 2002. However, this fact may be rather considered as message addressed to the Republic of Moldova leadership not to deteriorate the electorate process if it wants to secure US support on issues of paramount importance for the country.

However, there are enough grounds to believe that the electoral process has been deteriorating lately. Let's just refer to the 2002 Bashkan elections in Gagauz-Yeri. Domestic observers pointed a series of violations, such as: electoral commissions were staffed according to their members' loyalty to authorities; voters were intimidated by electoral contestants using administrative levers; IDs were taken from citizens for no particular reason on the eve of elections; ballots were printed by a person directly interested in election outcomes, Communist candidate enjoyed the support of the publicly funded mass media, etc. Those facts were also registered by foreign observers from US Embassy and OSCE.

Another example of undermining the integrity of the electoral process is the way authorities reacted to Social Democratic Alliance initiative to conduct a legislative referendum on changing the proportional electoral system to a mixed one. Communist faction simply boycotted the Parliament hearings on the initiative.

Six months ago, leaders of the Social Democratic Alliance initiative group warned on several occasions that at the order of the ruling party local authorities hinder their efforts to collect signatures. This resulted in an open confrontation between Social Democratic Alliance and Communist Party. For example, Deputy Speaker, Vadim Mishin, stated that Social Democratic Alliance initiative is nothing but a "political provocation".

The conflict between the two parties was generated by the fact that Moldovan law makes a distinguish between "initiating" and "declaring" a referendum. At the stage of referendum "initiation" the law does not provide that public debates should be held on whether referendum is appropriate at the time it is initiated, or even at the time signatures are being collected. If the initiative group manages to collect 200,000 signatures than a referendum is conducted. This is the only way for the citizens to exercise their rights provided in Article 2 of the Constitution, i.e. directly exercise sovereignty. No one could question the appropriateness of the referendum, however one may electioneer in favor or against the issues subject to the referendum, once it is officially declared. In this respect, article 154 of the Electoral Code provides "the right to freely collect signatures in favor of the referendum".

The procedure of initiating a referendum is similar to that of independent candidates' registration. No one debates whether signatures in support of an independent candidate should be collected or not, this is an unquestionable right of the citizens who meet all the criteria set by law. Only after the registration of the independent candidates, one may debate on their personal character or their electoral program.

However, vice-chair of the Parliament, Vadim Mishin's, statement indicates ruling party's opposition to a possible referendum. It was rather intended to local officials calling them not to authenticate petitions, as is required by the law. Ultimately, the authorities' refusal to authenticate the signatures collected was considered by the Social Democratic Alliance as the most important difficulty encountered. Mishin's statement followed by local authorities' attempts to hinder the signature collection are nothing but attempts to undermine the integrity of the electoral process.

It is curious that Vadim Mishin is a member of the Communist faction in Parliament, whose electoral program provides "a series of urgent measures are to be taken in order to overcome the crisis, such as: adopting a new and democratic electoral law; conducting a referendum on the issues of paramount importance". Then why is the Communist faction doing exactly the opposite? Numerous debates in press as well as in Parliament between Social Democratic Alliance and Communist Party have made public opinion wonder whether a new social conflict is to be anticipated in the country.

Nevertheless in July 2002, Central Electoral Commission (CEC) acknowledged that the initiative group collected 221,000 signatures in favor of the initiative to change the electoral system and invalidated only 8,000 signatures. CEC submitted all the documents necessary to the Permanent Bureau of the Parliament who had to develop a draft resolution on either declaring a legislative referendum or amending the electoral law by the vote of the Parliament.

Domestic analysts pointed that Communists would interpret electoral law as it would suit them and they might never declare a referendum. The fact is, that it has become a tradition in Moldova referenda to be held only when they suit the governing. This was the case in March 1994 when at the decision of the Parliament Presidium a republican opinion poll "Consulting the people" was conducted, this was the case in March 1999 when former President Petru Lucinschi intended to replace the parliamentary form of governing with a presidential one. The latter resulted in a confrontation between the Presidency and Parliament. Later on Constitutional Court interpreted the Constitution

and Electoral law by distinguishing between "initiating" and "declaring" a referendum. Under Constitution a referendum may be initiated by groups of citizens who collected

at least 200,000 signatures, by the President, as well as by 1/3 of deputies. However a referendum takes place only after the Parliament examines all the relevant documents and declares a referendum. The Parliament is obliged to declare a referendum if CEC validated 200,000 signatures. However, there is a contradiction here. On the one hand the Parliament is obliged to declare a referendum, on the other hand article 71 of the Constitution provides that deputies may not be prosecuted or tried by law for their votes or opinions expressed in the exercise of their mandate. Consequently, Parliament as a whole has to vote, whereas individual deputies may not be forced to do so.

Communist faction is not interested in changing absolute proportional electoral system (which they had promised during the electoral campaign). Needless to say this system brought them additional 40% mandates (due to the 6% threshold of representation). As an excuse for not voting for the referendum, the Communist Party stated that it verified CEC activities thorough the Legal Commission of the Parliament and found many irregularities. On these grounds they concluded around 45-50% of the signatures validated by CEC had been falsified. The conclusions made by the Legal Commission raise a lot of questions. The Commission claims it verified 12% of the total 213,000 signatures validated by the CEC, that is 25,560 signatures. The approximation, 45 - 50% made by the Legal Commission is outrageous. Even if we are to admit that the percentage of falsified signatures found is true, then out of the total 25,560 signatures verified, 11,502-12,780 would have to be invalid. Consequently, another more than 200,000 signatures still remain valid and there are no grounds for obstructing the referendum. Interestingly enough, Communist Party leaders preferred just to extrapolate the results of the random control, rather than look for another 221-1,497 falsified signatures, thus decreasing the number of valid signatures below 200,000 threshold. Social-Democratic Alliance didn't react in the best manner either. They insisted that the Parliament had no right to interfere in the CEC activity. Furthermore, they refused to take part in the signature verification process. The fact is that the Communist Party is not willing to change the electoral system and there is no way to verify whether Legal Commission proceeded correctly when verifying CEC activity. Communist faction should have allowed representatives of the Social-Democratic Alliance to inspect the falsified signatures so as to prove its point.

Social-Democratic Alliance could have hoped for a moral victory in their confrontation with the Communist Party if they had collected the signatures in strict compliance with the law. Some examples of falsification cited by Victor Stepaniuc, chair of communist parliamentary faction, seem to be veridical. Given the limited period, only 2 months, available to collect 200,000 signatures it is not excluded that some of the persons collecting signatures resorted to falsification. Another problem is that Social-Democratic Alliance didn't appeal in court authorities' actions, which hindered signature collection. Article 12 of the Electoral Code provides that any violations found should be reported to election officials, who are to decide on the matter. The latter's decisions are binding for the parties involved in the conflict as well as for local public administration. Decisions of the election officials may be contested in the Administrative Court, which is to decide on the matter within 5 days. Instead of this violations committed by the local authorities were reported to mass media rather than to court. This in particular refers to the case when the authorities ousted persons collecting signature. Finally, it is not excluded that during the visit of Council of

Europe delegation to Moldova, the two parties would accuse each other of infringing electoral law. Obviously, both of them did commit frauds (however one should acknowledge that Social-Democratic Alliance was left with no other choice).

The most serious aftermath of this case is the fact that Communist Party blamed CEC of unprofessionalism and threatened with controls. Those threats bear a huge significance on the eve of local elections. Several political leaders suspect that Communist Party would change CEC membership on the eve of the local elections, despite the fact that during the last five years the Commission proved its professionalism and expertise. Communist Party pressure on CEC was obvious on January 11 when CEC refused to register the initiative group of the Christian-Democratic Peoples' Party for a consultative referendum on joining EU and NATO. Communist authorities publicly disapproved the initiative on the grounds that there is a consensus on EU integration among all the political parties, whereas integration within NATO is inappropriate as Republic of Moldova is a neutral state. CEC used the same arguments for rejecting the registration of the initiative group, however it also contained some curiosities. Thus CEC justified the refusal to register the initiative group by the fact that a would-be integration in NATO will require the revision of the Constitution via a constitutional referendum, that is why people could not be consulted beforehand in another consultative referendum. It is not clear why a consultative referendum may not be held prior to a constitutional one. Governmental press supported CEC decision. This determined Christian-Democrats to accuse CEC of serving Communist Party political interests. The party also threaten to resume anti-Communist protest rallies until the resignation of Communist authorities. They stated they wouldn't accept any compromise solutions and would demand Communists to comply with the 2 PACE resolutions.

This is the third case of this year highlighting an undermining electoral process. Both authorities' and oppositions' actions are a cause of concern. Thus, anti-Communist protest rallies started before the Court have ruled on the CEC resolution. According to the electoral law, Court of Appeal should have done so within 5 days.

Is opposition consolidating?!

January 28, 2003

After 2001 parliamentary elections, which brought the Communist Party to power, it became clear that the opposition would have a major role to play in the Moldovan politics only if it consolidates. Immediately after elections Moldovan opposition emerged in three different state: parliamentary opposition, latter on labeled as "intransigent" represented by the Christian-Democratic Peoples' Party; "constructive" opposition represented by the Braghis Alliance; and extra-parliamentary opposition represented by the democratically oriented parties which failed to pass the 6% threshold of representation (mainly the parties formerly known as the Alliance for Democracy and Reforms in power in 1998).

After parliamentary elections the three components of the opposition behaved each in its own way. Christian-Democrats focussed on legislative activity and appealing, in the Constitutional Court the constitutionality of several legislative acts. Among others they wanted to establish if the President of the country may simultaneously hold the position of a Party Chair. Constructive opposition "Braghis Alliance" was looking for common grounds with the new Communist authorities, but after a series of denigrating articles about its leaders in the governmental press, all the hopes for a fruitful cooperation have been scattered. As for the extra-parliamentary opposition in May 2001 it established the so-called Democratic Forum of Moldova so as to take a joint stance towards Communist ruling. The funny thing is that the parties representatives in the Forum began adjudicating their role in the upcoming elections and the top places on the would-be candidate list, despite the fact that none of them managed to pass the 6% threshold of representation. Right from the beginning it was obvious that such a political structure would not last for long time, fact confirmed at the end of 2001.

2002 started with protest rallies staged by the Christian-Democrats, which lasted until the end of April. The grounds for protests were governors' intention to revise the policies on languages and history in schools. Later on, however, authorities acknowledged that this was a haste reaction from their part. After Communists' absolute victory in parliamentary elections the last "bastions" of the defeated opposition were the national language and history. Authorities' intention to impose their own visions both on history and language was interpreted as an assault on the "national values". This was a huge offence to the national feelings of numerous citizens. If the Christian-Democratic opposition hadn't reacted to the governors' actions, it would have lost it's "raison d'etre".

However, language and history were not the only issues raised during the protest rallies. Latter on the other issues surfaced in the PACE Resolution on the functioning of democratic institutions in the Republic of Moldova. To address those issues European officials recommended the establishment of a Permanent Round Table (PRT), a framework for political dialogue between authorities and opposition.

After the end of the Democratic Forum in 2001, several leaders of the opposition parties, especially Liberal Party, hoped that the PRT would consolidate the "three

Moldovan oppositions". However, this was never meant to happen for several reasons.

Firstly, PRT was established for totally different reasons. Secondly, opposition could have formed a joint front only if the ruling party had provided them an occasion to do so. Communist Party ignored PRT sessions, rather focussing on enforcing certain PACE Resolution recommendations. However they were enforcing them in such a manner as not to damage in any way their strive to hold control over everything that might bring political or informational capital. In the absence of the Communist and other parties' representatives, who conditioned their attendance on the participation of the ruling party, PRT sessions at times became as boring as ordinary seminars. This made several parties voice their skepticism with regard to the efficiency of the PRT.

In 2003 when it seemed likely PRT would have the same fate as the Democratic Forum, several events lead to a consolidation of the opposition and brought to light a new function of the PRT. Among the aforesaid events one may mention the following: adoption in late 2002 of amendments to the Law on Political Parties; obstruction of the referendum on changing the electoral system initiated by the Social Democratic Alliance headed by the former Prime-Minister Dumitru Braghis; as well as obstruction by the Central Electoral Commission of the Christian-Democrats' initiative to hold a consultative referendum on joining EU and NATO.

The said events are the more significant due to the fact that they took place several months prior to the electoral campaign in view of local elections. Probably under the constraint of approaching electoral campaign, opposition felt the need to consolidate in order to jointly defend its corporate interests. The recent declarations of the PRT participants are an illustration of this. The declarations read that the most important task of the opposition parties, members of the PRT, is to raise the awareness of the domestic, but most importantly, of the international public opinion on the harassment political parties are subjected to on the eve of local elections, namely they have to prove every year that each of them includes at least 5,000 party members. In this respect, opposition parties threatened the ruling party to boycott local elections, which would thus be declared anti-democratic, repressive and without an alternative. In such a case Communist Party might claim that independent candidates would be an alternative to the Communist ones. However, this argument wouldn't be too convincing and it still would greatly damage the party's image reminding of the soviet-time slogan about the "tight alliance of the Communists and those who are not party members". This threat has probably scared Communists, as the President of the country and Communist Party Chair, Vladimir Voronin, himself promised to attend one of the PRT sessions. This is the very important as American President, George W. Bush, praised his Moldovan counterpart precisely for the way elections had been conducted in the last 9 years in the Republic of Moldova. Recently, US Ambassador to Moldova Pamela H. Smith reassured Moldovan authorities that they could count on US support provided they continue promoting reforms and the democratic processes.

The only problem is the PRT participants temporarily suspended the sessions so as to take part in the protest actions against the incumbent governing. Leaders of the parties participants to the PRT decided to picket the Parliament and protest against ruling party's obstruction and violation of opposition rights on February 6-7, when the Parliament convenes on the spring-summer session. Furthermore, Social-Democratic Alliance leader, Dumitru Braghis, stated that his faction would boycott the Parliament plenary sessions for an indefinite period because the latter failed to fulfil its

constitutional obligation, i.e. to declare a referendum on changing the electoral system,

after the Central Electoral Commission validated the number of signatures required for initiating a referendum. On the other hand, Christian-Democrats resumed protest rallies on January 19, 2003. And finally, participants to the PRT are considering the possibility of hosting on February 23, 2003 a joint protest rally to mark the 2 year anniversary of the Communists' in power. The slogan of the rally is likely to be "Solidarity day of the democratic and reformatory forces". This would be a symbolic action aimed to demonstrate the ruling party that the "three oppositions" have consolidated against the "anti-democratic Communist ruling". Noteworthy, democratically-oriented political parties which are likely to support the protest had gathered about 47% of the votes in the last elections. Their performance is comparable to the result scored by the Communist Party, 50.07%.

While opposition is protesting, Communist Party is getting ready for local elections. Local elections are supposed to crown the efforts in building the so called "vertical of power". Right after elections Vladimir Voronin announced that it would become one of his priorities. Last year Communist press announced that the party was recruiting people having leadership skills and enjoying the respect of people in different localities. The reports made public in the Communist press indicate that the campaign has been successful. On the other hand, state press and TV has already started reporting about the charity missions of the Communist ministers and started a denigration campaign against the leaders of the opposition. Opinion polls indicate a high rating of the Communist Party, which coupled with the administrative levers to be employed, offer high chances for the Communist Party to overtake the control over local government.

Under given circumstances the only threat to the Communist Party might be posed by the "consolidated opposition". On the one hand the ruling party acknowledges that all its efforts to improve the country economy greatly rely on the support of international monetary organizations and western countries. However the latter would provide their support only if the ruling party continues economic reforms and observes democratic principles of governing. On the other hand, the intention to edify the "verticality of power" no matter what, indicate that there is a chance that party elite would follow another path, thus joining the figures with shabby image like Lukashenko and Kucima. From this perspective the recent statement of the Parliament Speaker, Eugenia Ostapciuc, about resuming the efforts to enter Russia - Belarus Union are not surprising at all. And this despite the fact that only a month ago President Voronin was trying to convince the entire European community that Republic of Moldova's strategic goal is joining EU. It's true in the last two years the country leadership has made similar statements with regard to joining EU together with Russia - Belarus Union and even, CIS.

A new political crisis

February 5, 2003

The political crisis is escalating in the Republic of Moldova. When identifying the parameters of this crisis we should consider how does it evolve, who are the stakeholders, what generated it, political context and its impact on the political evolution in the Republic of Moldova. Let's consider them one by one.

The current political crisis is totally different from the previous ones in that it evolves in all the known and imaginable forms, except for the hunger strike, namely: street protests and protest rallies; boycotting of the legislative sessions; Japanese strike of the employees; international institutions mediating the conflict.

The second distinction is the fact that almost all major political parties, regardless of doctrine or strategies promoted, from Christian-Democrats to Socialists accepted to form a joint anti-Communist front. Consequently, claims that behind this joint front lie the selfish and obscure interests of some parties are no longer valid. The fact is that political parties disagreeing with the Communist ruling were cast 47% on the last elections, figure comparable to the 50% gathered by the Communists.

And the third distinction of the new crisis is the fact that its parameters are easily quantifiable. For one thing suppression of the freedom of speech and access to information have been reflected in the two PACE Resolutions, furthermore they have become the topic of one of its recent winter sessions. Another issue related to undermining independent judiciary was also reflected in PACE Resolution, whereas the recent court hearings have had a big impact, determining employees to enter a strike and foreign investors to voice their reactions. And finally, the fact that the Communist party has recently blocked two initiatives on conducting referenda on issues of paramount importance for the society illustrates that the mechanisms of problem resolution are replaced by administrative or voluntary methods. The reason why governors indulge in such a behavior is their obsession to edify the "vertical power", i.e. establish a total control over political and economic life and information circulation, which would allow them to stay in power for an indefinite time

However, the major factor which determined the consolidation of highly heterogeneous opposition parties remains to be the fact that Communist party affected corporate interests of the opposition leaders at the time they were due to start preparations for the upcoming local elections scheduled for May. Modifications operated by the Communist Party to the Law on Political Parties obliging parties to yearly submit evidence that they have at least 5,000 members to the Ministry of Justice, are viewed by many as an attempt to harass political parties. And most importantly not allow them to concentrate on really important things. For one thing, the Government delayed amendment of the Regulation on signature collection procedure, thus 30% of the precious time allocated for the signature collection has been wasted. Secondly, the requirement to submit lists of the party members typed and on disk would require not only time but also human resources and equipment. However the right to associate in parties should not be conditioned on the human or technical resources possessed by the party, especially as the Law on Political Parties does not provide for the state support to parties, as is the case in many countries. And

last but not least, a considerable part of the active citizens are working abroad. If their signatures are not updated they would be excluded from the party, consequently one of the citizen's fundamental rights would be breached. And finally, the new procedure for submitting the list of party members on the eve of the revision of the country territorial division generates not only confusion but also tension. The reason for this is the fact that parties should have a certain number of members in at least half of the second level administrative territorial units. Both the number of administrative-territorial units and the number of party members in each of them shall be changed in two months, bringing additional headache to political parties.

What did Walter Schwimmer really said?

February 7, 2003

After the opposition engaged in a series of protest rallies, authorities launched a denigration campaign against them employing the entire range of mass media controlled by the state. This is a defense reaction of the ruling party, otherwise it would have to acknowledge that there is a serious political crisis in the country.

There is no doubt the ruling party may easily turn any political problem into a farce. Especially as a series of newspapers supportive of the opposition were closed for financial reasons, whereas the radio and TV sharing other opinions that those of the ruling party were closed under administrative procedures. This is the case of "Vocea Basarabiei" (Voice of Bessarabia) Radio Station, and "ORT-Moldova. Under those circumstances state run mass media, especially TV, which authorities pretended to had turned into a public institution, still remains the most important means of promoting the Moldovan variant of the "political pluralism". National TV has a peculiar way of covering the activity of the ruling party, as if their spectacular activities had an impact not only nationally, but at the regional level as well. On the other hand, opposition actions are covered in a bantering and mocking manner, portraying opposition leaders as "political vagabonds" (as Vladimir Voronin himself labeled them), who only obstruct the governors' good intentions. This is a classical scenario perpetrated in the entire NIS region.

This fact surfaced upon return of the Republic of Moldova representatives from the PACE winter session, when they engaged in debates on Walter Schwimmer's, Council of Europe Secretary General, recommendations on how to overcome the political crisis in the Republic of Moldova.

It doesn't take too much to guess why the ruling and opposition parties behave in such a manner. On the one hand, ruling party claims there is no political crisis in the country and protest rallies are nothing but ill-indented reactions of the loosing, fragmented and helpless opposition, which "advocates" in the international forums its interests and denigrates the ruling party. On the other hand, opposition claims the country is undergoing a deep crisis, triggered by the ruling party, which violates access to information and freedom of speech, autonomy of the judiciary and substitutes democratic practices with voluntary actions. Under given circumstances, Moldovan opposition has no other choice than appeal to Council of Europe to demand the ruling party to comply with the engagements Republic of Moldova undertook when joining Council of Europe in 1995. However, representatives of the ruling party view the recommendations of the CE Secretary General as mere suggestions, which may either be followed or rejected, whereas for opposition the very same recommendations bear a much greater significance. Because of the difference in opinions, ruling party prefers to point on the "distortions" made by the opposition representative in interpreting Secretary General recommendations. State Television has made considerable efforts to convince the public opinion that besides being unpatriotic when exposing the "dirty laundry" of the home affairs to the entire Europe, opposition also falsifies the data on the "detergents" recommended by the European officials to "clean that laundry".

Secretary General reaction followed shortly after. He stated that would provide the recommendations in a written form so as to avoid any misinterpretation. However until he does so it is worth analyzing and making public other documents, which might give us a clue on what really Walter Schwimmer said. We might suppose that he reiterated the recommendations of the previous two PACE Resolutions, namely on the functioning of democratic institutions in the Republic of Moldova. As for the controversial issues, which generated the new crisis, we might suppose that Walter Schwimmer called on settling them in compliance with the legal provisions and generally accepted standards. In addition, we may assume that the recommendations made by Council of Europe experts during the seminar held in last November for the leaders of parties participants to the Permanent Round Table (PRT) were reiterated as well. Back then, Tadeusz Mazowiecki, who presided the seminar referred to the experience of the Central and Eastern Europe in drafting the criteria for the functioning of a mechanism similar to the PRT. Experience shows that the existence of a PRT is an indicator of a deep political crisis and that it is seen as a means of problem solving via the dialogue between the power and opposition. Secondly, Mazowiecki recommended identifying a set of problems of paramount importance, whose resolution would allow for the settling the political crisis. Consequently in order to overcome the crisis in the Republic of Moldova two things are important: a) criteria for the functioning of PRT; b) debates on the issues related to the functioning of democratic institutions as stipulated in the PACE resolutions.

All this has been once again proven during PRT session held on February 5, when the representative of the Secretary General, Jorgen Grunnet, stated that Republic of Moldova lacks a "political will" in order to solve the problems, which generated the crisis. Mr. Grunnet added that the PACE recommendation on turning State TV into a public institution were not enforced. In this situation, instead of being debated in TV studios, problems of paramount importance are taken into the streets. As for Walter Schwimmer's recommendation that President Vladimir Voronin attend PRT, opposition interpreted it as directive. That's because in the Republic of Moldova only one "political will" counts, that of the Communist Party leader and President of the country, Vladimir Voronin. Indeed no one could force the President of the country to act in a certain manner. However past experience shows, conflicts are only solved when President gets involved. The most recent illustrations are the cases of the Union Fenosa and Cirrus Airlines. If economic problems may not be solved without the interference of the President, then President's influence is even more important in solving political ones.

The only problem is that parties participants to PRT focus on a broad spectrum of problems, some of which are indeed important but too specific. However a top priority for CE and for the country as a whole is to ensure normal functioning of democratic institutions, namely mass media and judiciary.

The aforesaid issues as well as many others related to the human rights, which had been brought to the European Court for Human Rights (ECHR) may not be debated at the PRT simultaneously with other on-going processes. And there is a very good example in this respect. Although supported by only few political parties the registration of the Bessarabian Church was made possible based on the ECHR decision. Similarly, the two unsuccessful initiatives to conduct a referendum may be at issue on the agenda of the PRT only after all the judiciary methods fail.

Political parties perfectly understand this. Furthermore, small parties that failed to gather 2-3% of the votes opposed Walter Schwimmer's recommendation to limit the number of parties participants to the PRT, in order to make its activity more efficient. According to Schwimmer PRT should include parties represented in Parliament and another 2-3 major parties. And the reasons for this are very simple. To avoid undermining parties' equality and to ensure the efficiency of the dialogue, major parties should form a "module", whose mission would be to represent the opposition while debating on the issues of paramount importance for the society. The rest 20 parties could either endorse the "module" or disagree with it.

The dissatisfaction of the small parties with the establishment of the dialogue "module" may in its turn displease the strong parties. Their representatives already indicated they had no longer objections to the amendments to the Law on Political Parties stipulating that parties should yearly confirm they have at least 5,000 members. Nevertheless, the would-be consolidation of opposition parties is already shaking, and things would continue to aggravate in the future. The expulsion of the representatives of small parties from the "Braghis Alliance" for the failure to comply with the party discipline is an illustration to this effect. Consequently the illusions nurtured by some analysts that the opposition would manage to consolidate and form a single political block are vanishing. Those who insist on the consolidation of political parties based on shared doctrines might have a point. Under this scenario small parties would simply disappear as a result of the Government restrictive measures and as a result of their failure in the upcoming local elections.

Mega-initiative of the President Voronin

February 12, 2003

1. Key points of the President Voronin statement
2. Conjuncture factors
3. Stages of conflict resolution and legal aspects
4. Psychological factors
5. Risk factors and guarantees

In the last two years the President of the Republic of Moldova has been very prolific in launching different kind of initiatives. For instance, his most important initiatives in foreign affairs concerned Republic of Moldova integration in the Russia-Belarus Union, Eurasia Union and European Union. As for the home affairs he initiated: the edification of the "vertical power"; edification of a Moldovan nation; Social Pact in view of overcoming social confrontations, etc. As for the social-economic field, it is worth mentioning the initiatives to liberalize the economy, to develop the National Poverty Reduction Strategy (PRSP). The latter has become a top priority of the Government, furthermore all the previous policies drafted by the Government are now to be adjusted to the PRSP. Indeed, some of the aforesaid initiatives run counter to each other, as well as to the ruling party political and electoral program. This fact indicates that the political situation in the Republic of Moldova was and still is extremely complicated, the top of the political elite pyramid still being shaped by regional and international context.

The last statement the President Vladimir Voronin made on February 11, 2003 is viewed as a mega-initiative aimed to settle Transdnistrian conflict. In addition it is likely to require the revision and adjustment of the previous initiatives, mentioned above, which would result in a document of paramount importance, namely a new Constitution of the Republic of Moldova.

From President's point of view drafting a new Constitution is vital in order to settle the Transdnistrian conflict. Since he took over the Presidency on April 7, 2001, Vladimir Voronin stated on numerous occasions that Transdnistrian conflict is the major obstacle towards the country development. According to his last statement the adoption of a new Constitution on federalist principles is the only solution to Transdnistrian conflict.

1. Key points of the President Voronin statement

The key points of the President message refer to:

- a. acknowledging the role played by the mediators (Russia, Ukraine, OSCE) and thanking them for their efforts in conflict resolution;
- b. current Constitution of the Republic of Moldova hinders the resolution of the Transdnistrian conflict, that is why a new one is to be drafted based on the draft on the Republic of Moldova federalization developed by OSCE in July 2002;

- c. Transdnistrian authorities are to take part in the elaboration of the Republic of Moldova Constitution.

According to the President's statement all the documents previously developed by the mediators should remain in force, including the Memorandum signed by the Republic of Moldova and Transdnistria on May 7, 1997. Consequently, the "joint state" would be a federation formed by two equal entities, i.e. Republic of Moldova and Transdnistria. Debates already have spurred between the two entities on which type of federation to choose. Transdnistrian administration insists on a "contractual federation", which is to be formed by two equal entities. On the eve of the OSCE Summit in Porto, Tiraspol even succeeded to convince the mediator countries as well as OSCE to support this model. However, Republic of Moldova opposed it. Allegedly, American Diplomat David Swartz had to resign as he failed to convince Republic of Moldova leadership to agree with the contractual federation. Accordingly, Republic of Moldova still has a chance to convince mediator countries and OSCE to give up the "contractual federation" in favor of a classical model of federation, envisaging the decentralization of the Republic of Moldova so as to encompass Transdnistria as a subject of federation.

President Voronin's statement is viewed by many as an attempt to take over the initiative in settling the conflict and to combat the accusations of obstructing the negotiation process, which allegedly resulted in the resignation of OSCE Head of Mission, David Swartz.

2. Conjuncture factors

The new initiatives to settle the Transdnistrian conflict have been shaped by such events as the strategic alliance between US and Russia, NATO and EU extension to the borders of the Republic of Moldova. Under those circumstances, instability regions like Moldova would no longer be tolerated in the space between EU/NATO borders and Russia. Furthermore, mediator countries have also their interests on the territory of the Republic of Moldova. Needless to say, Ukraine and Russia have been rather the guarantors of Transdnistrian interests, fact proved by the Basic Treaty between the Republic of Moldova and Russia signed in November 2001.

Many experts view OSCE draft on the federalization of the Republic of Moldova as a compromise reached between the external actors interesting in restoring the stability of the region. And there are enough evidence to this effect, firstly OSCE Summit in Porto, secondly the joint statement of Presidents George W. Bush and Vladimir Voronin, other statements made by European and American officials, as well those of Russian and Ukrainian officials. Given the aforesaid, there is no other way for the Republic of Moldova than federalization. And this not because federalization is the best way of ensuring stability and observance of the human rights both in Moldova and Transdnistria, but mostly because the interests major powers, have in the resolution of Transdnistrian conflict coincide as far as federalization is concerned.

3. Stages of conflict resolution and legal aspects

Stages of conflict resolution outlined in President Voronin statement, practically coincide with those outlined during the seminar held by the Institute of Public Policies (IPP) on December 6, 2002, namely: firstly, a political document outlining the principles should be signed; then a new Constitution is to be drafted based on OSCE principles; next, the draft of the new Constitution is to be adopted within national referendum on both sides of Dniester River. This is to be followed by elections to the federal bodies, the adoption of federal legislation, and the adoption of subjects' constitutions and of legislation to harmonize the relations in areas of national and mutual interest. The next steps will be elections to the representatives bodies of the subjects.

The terms envisaged for implementing the said stages point to a shortage of time and possible delays. The delay is expected to be even greater due to the legal problems which would surface upon implementation. The haste in implementing is probably determined by the pressure from outside or by the desire to gain some political and electoral capital on the eve of upcoming elections. Actually both are possible. In any case the Head of OSCE Mission, William Hill, indicated that the parties run out of time. Not to mention that, the draft on the federalization of the Republic of Moldova proposed by OSCE envisaged the settlement of the conflict by 2002. During the press conference held on February 12, President Voronin outlined the stages in conflict resolution and estimated that the elaboration of a new Constitution might take up to 6 months, Council of Europe expertise and public debates up to 2-3 months, which are to be followed by a referendum on both sides of Dniester River on endorsing the new Constitution. Accordingly, the draft Agreement envisages that a referendum to adopt a new Constitution is to be held by February 1, 2004, and elections to the Federation Parliament by February 25, 2005.

This seems to be a rather optimistic scenario, given that parliamentary elections are due in two years. However President Voronin did not rule out the possibility of early elections into the new Federal Parliament. The fact that right from the beginning President Voronin leaves no time for the discussion and adoption of the political document, which is to regulate the conflict resolution, is rather suspicious.

Indeed, we may not expect that the so-called Constitutional Commission (a kind of Assembly), which is to draft the new Constitution of the Moldovan federation would be established prior to the Agreement signing. It seems President Voronin's recent visit to Moscow was aimed to convince Vladimir Putin to endorse the draft and to pressure Transnistrian authorities to accept it. Even if we are to admit that Russia and Ukraine would force Transnistria to sign the Agreement on conflict resolution, still this would take quite a while. Furthermore, the formation of Moldovan-Transnistrian Constitutional Commission, defining its competencies, representation criteria, etc, would be time-consuming.

Adoption of a new Constitution is a rather complex and complicated issue. The haste in such matters might be fatal. If all the aspects are not given thorough consideration, then they may result in appeals later on. That is why legal matters are of paramount importance.

Firstly, the current Constitution of the Republic of Moldova does not provide for the abrogation and adoption of a new Constitution. Under Voronin's plan it is not enough to amend the Constitution, because breakaway Transdnistrian regime is to take part in the foundation of a new state based on the federation model. Communist majority faction may indeed settle this by amending Constitution so that it could be abrogated, however this would take time and generate opposition protests. Secondly, Moldovan authorities would have to find a way of recognizing Transdnistrian regime, acceptable to them as the co-authors of the Constitution of the "joint state". This is an almost impossible undertaking, as Transdnistria insists on being recognized as an equal partner to the Republic of Moldova in compliance with the Memorandum signed in 1997. Another issue to consider is that of the citizenship of the Transdnistrian "legislators". It is known for a fact that the great majority of Transdnistrian officials are either citizens of Russia, Ukraine or Transdnistria itself, however none of them is a citizen of the Republic of Moldova. Probably a separate law would be needed to regulate the citizenship of Transdnistria's "legislators".

To enforce the presidential plan, besides drafting a new Constitution it would be necessary to bring in line the economic law, to negotiate the procedure of conducting a referendum to adopt the new Constitution and of holding elections to the Federal Parliament.

The aforesaid could happen only if there is a political consensus between authorities and opposition, as well as between Chisinau and Tiraspol. Needless to say, there are no premises for this. In the case of Transdnistria, Chisinau authorities could count on the guarantor countries to exercise some pressure in order to make them more cooperative, however this strategy won't work in the case of opposition when authorities would have to rely on reason and legal framework. Furthermore, it is not clear what would happen with the Declaration of Independence of the Republic of Moldova. It is still a question mark whether Tiraspol leaders would accept the Declaration as the cornerstone. Back in 1991 they justified the establishment of the breakaway state by the fact that Declaration of Independence of the Republic of Moldova entitled them to this. Another question is what would happen to the state symbols: flag, coat of arms and hymn?

Moldovan opposition is highly diverse, there are political parties, which oppose federalization plan and there are also parties, which endorse it. Having said that, President Voronin should be very cautious not to make any mistakes when embarking on new initiatives. Republic of Moldova is a parliamentary Republic with the President holding the highest position in the state. He may not initiate Constitution modification, which is an exclusive prerogative of the Parliament and citizens. Once elected the President vows "to observe the Constitution". Presidential statements like "the current constitutional order precludes our efforts to modernize the state" might have very dangerous consequences. Only the Parliament, which adopted the Constitution and holds the exclusive prerogative to amend it, is entitled to make such comments. One may speak in this respect about the double posture of the President Voronin, who simultaneously holds the President office and that of the Chair of the Communist Party. However, the much cited statement was entitled "Declaration of the President of the Republic of Moldova". Opposition did noticed this, as well as the fact that President Voronin disclosed his plan to amend the Constitution firstly to the leaders of foreign countries and only afterwards to his own fellow citizens.

4. Psychological factors

Besides time and legal issues, psychological factors are another issue of concern as they are likely to be the greatest obstacles in the implementation of the President's initiatives. Indeed, public opinion both in Moldova and in Transdnistria acknowledges that Moldova lost the war with Transdnistria. It's the merit of mass media on both sides of Dniester River, as well as CIS, Russia and Ukraine.

For one thing, Transdnistrian leadership hasn't changed since 1989, when the conflict started. Created the "Transdnistrian state", an authoritarian but economically sustainable regime. Not once was its policy questioned or mistakes admitted. Transdnistrian propaganda machine only reported on the achievements in economy, state edification, and its international recognition. Transdnistrian leader, Igor Smirnov had to amend the Constitution so as stay in power indefinitely. He promised his fellow citizens he would leave the office when Transdnistria would be recognized as an independent state. So far the only obstacle to the prosperity of the Transdnistria was the "obstructionism of the Republic of Moldova aggressors". The cornerstone of the Transdnistrian propaganda machine was to highlight that "Transdnistria is the land of Russia". This message was intended to gain the support of the Russian political elite haunted by the collapse of the USSR and to nurture the hopes of the citizens that Russia would not allow the statehood of Transdnistria to be undermined.

On the other hand, several governments have changed in Moldova since. The politicians who stood behind the conflict are no longer in power. While electioneering for Petru Lucinschi in 1996, Moldovan press denigrating the first Moldovan President, Mircea Snegur, blaming him for the Transdnistrian conflict. In 1997 the newly elected President, Petru Lucinschi, signed a Memorandum with Transdnistria stipulating that Moldova and Transdnistria enjoy equal rights and shall build a "joint state" assisted by the guarantor countries Russia, Ukraine and OSCE.

Today nobody is interested in the causes of the breakaway, nor whether the causes were eliminated. Nobody dares to question whether the secessionism imposed by the "right of the Transdnistrian people to self-determination" was justified, or whether Moldovan authorities' attempts to "restore the Constitutional order" were justified. What really matters is that Transdnistria won the war, even if it did with Russia's aid (fact confirmed by the Ghenadie Seleznirov, Speaker of the Russia State Duma). Noteworthy, in his declaration President Voronin acknowledged these facts and thanked guarantor countries, including Russia. According to Voronin the conflict was triggered by the "nationalist ambitions of the Chisinau", whereas Tiraspol was guilty of inappropriate reaction when it decided to "leave the Republic of Moldova". If Transdnistrian leaders are invited to draft the new Constitution of the Republic of Moldova, it would be interesting to see what would happen with those who stood behind the conflict. Would the guilty ones be persecuted or pardoned?

If Transdnestrian leaders would not stand the pressure of the guarantor countries Tiraspol may resort to the same actions as it did in 2001. Back then Smirnov set as one of the conditions to resume the negotiations, for Vladimir Voronin to apologize in front of the "Transdnistrian people" for the 1992 aggression and pay war compensations. Other similar statements intended to show that Transdnistria was independent from the Republic of Moldova, followed later on.

President Voronin was very emotional in his reaction. He called Tiraspol leader "a Mafia guy, bandit and smuggler", whereas Tiraspol regime was labeled by international organizations as a "drug and arm smuggling" and "impossible to negotiate with". President Voronin even asked Vladimir Putin a year ago to recall Russia's citizen, Igor Smirnov from the soil of the Republic of Moldova.

It is very unlikely that the Tiraspol leaders would miss the chance to exploit the current situation. Considering previous experience we may expect they would first demand a "moral satisfaction" by asking President Voronin to withdraw the accusations he made, otherwise threatening not to take part in the elaboration of the Constitution. Besides, the governmental press continues to portray Tiraspol regime in the same manner it did before Voronin had made public his plan. Secondly, Tiraspol leaders would call for the compliance with the 1997 Memorandum providing for the Republic of Moldova and Transdnistria equality. Thirdly, they would argue that the "asymmetric federation" founded by two entities endorsed by Voronin violates the principle of equality. For this reason Tiraspol insists on its own federation model, namely "contractual federation". Furthermore, Transdnistrian leaders might be in a more advantageous position. The guarantor countries and OSCE have already endorsed draft Agreement on a "contractual federation" and signed a document in this respect. On the other hand Voronin managed to secure only the verbal endorsement of his plan of conflict resolution.

From this point of view it doesn't seem very realistic to count on the support of the guarantor countries, especially Russia, and to expect that they would exercise some pressure on Tiraspol. Electoral campaign is due to start in Russia, where there are too many supporters of the slogan "Transdnistria - land of Russia", even if officially Russian authorities recognize the territorial integrity of the Republic of Moldova.

5. Risk factors and guarantees

Vladimir Voronin stated that "we need a Constitution our people would be proud of". Experts in the Constitutional law, however, claim that no Constitution, no matter how perfect, may guarantee normal functioning of the state, if the citizens do not observe its provisions.

It is very unlikely that a national consensus would be reached immediately the new Constitution is adopted. On the one hand opposition views Tiraspol regime as a criminal one, whereas Voronin's plan is viewed as making too many concessions. After OSCE made public its federalization plan a series of opposition parties, which gathered around 20% in the previous elections, signed a proclamation outlining their own plan for the conflict resolution. The plan refers in particular to: preserving the current constitutional regime of the Republic of Moldova; starting demilitarization and democratization of Transdnistria; changing the current negotiation process which includes five parties; replacing the current peacekeeping forces with UN forces; withdrawing Russian munitions and troops from the region; overtaking the control over the Eastern border of the Republic of Moldova; dissolving Transdnistrian army; putting an end to the crime in the region; establishing favorable conditions for the return of the refugees; establishing favorable conditions fostering democracy and civil society; and finally holding elections into the representative bodies of the region.

On the one hand, around 15% of the citizens of the Republic of Moldova entitled to vote who reside in Transnistria have been brainwashed by Transnistrian propaganda machine for the last 14 years. That's why it's very unlikely that Transnistrian leaders would agree to give up their political ambitions for the conflict resolution plan to be implemented. In the presidential elections of December 2001, 80% of the Transnistrian voters cast their votes in favor of Transnistrian leader, Igor Smirnov. Consequently, in case guarantor countries would determine Tiraspol to support Chisinau plan, Vladimir Voronin could count on the support of about 2/3 of the Republic of Moldova citizens. But the problem is that Russian speaking citizens of Moldova have always favored Tiraspol regime and regarded Igor Smirnov as a "hero" who opposed "Romanian nationalists". That is why the press could be right when assuming that once Tiraspol leader enters Moldovan political arena he would dramatically polarize the society based on ethnic criteria. Moldova has suffered of this syndrome for a long time, but this time the sympathy of the Russian speaking voters might go from the Communist Party, headed by Vladimir Voronin, to Transnistrian leader, Igor Smirnov. Apparently President Voronin foresaw such kind of speculations and stated that he was ready to sacrifice his own career for the sake of the "country integrity". However his fellow party members and opposition may disagree viewing federalization as a too high price to be paid for getting rid of Communists the Republic of Moldova.

And there are enough reasons for this, especially as the "asymmetric federation" promoted by President Voronin would have to be adjusted by Russian speaking voters in order to compensate the "asymmetrical disadvantage" of Transnistria. On the other hand Moldovan/Romanian citizens might also be offended by the "policy of concessions" promoted by the incumbent ruling party.

It is also to be mentioned that the previous two Presidents lost political capital and the support of their allies in the battle for adopting or revising the Constitution. This was the case in 1994 when the prerogatives of President Mircea Snegur had been limited upon the adoption of a new Constitution, which later on resulted in the split of the ruling Democratic Agrarian Party. The same thing happened in 2000, when President Lucinschi in an attempt to enlarge his power so as to bring order into the country, initiated the modification of the Constitution, fact that scared away his allies and ended his political career.

There is another problem we should not neglect. The Communist Party headed by Vladimir Voronin is still an un-reformed party striving to "build Communism". Experience shows that Communism may not be build based on the principle of political pluralism. That is why both Moldovan opposition and Transnistrian leaders would probably cite the examples of "asymmetric federations" that failed, like Czechoslovakia and Yugoslavia, which were formed based on Communist ideology. In fact, the elaboration of the Constitution is an indicator for the Communist Party. Would the core principles of European "bourgeois Constitutional regimes" be preserved, or would be the new Constitution based on Communist principles like in North Korea, Cuba, China, former USSR, in line with the political program of the ruling party? Apparently the new Constitution would be based on "bourgeois principles", otherwise President Voronin wouldn't have mentioned a would-be expertise of the Council of Europe. However if the President in order to be trustful tries to change his party program, a lot of party members would be dissatisfied. In

conclusion we may say that one way or another President Voronin's initiative triggered a series of risk factors.

Having said that, only Transdnistria may count on the guarantees of the mediator countries, Russia and Ukraine. The guarantees are stipulated in the OSCE draft as well as in the Basic Treaty between the Republic of Moldova and Russia. Sadly enough, it is when mostly needed Moldova has nobody to appeal to. This is the more important as the President Voronin plan provides that Transdnistria "is guaranteed the right to self-determination upon any change in the international legal status of the country". Recently the same right has been granted to Gagauz-Yeri via the modifications currently operated in the Constitution. This complicates the issue even further. During the electoral campaign Gheorghe Tabunscic running for the office of the Gagauz Bashkan (Governor), supported by President Voronin, promised his voters to secure for Gagauz-Yeri the status of federation subject in the would-be Moldovan federation. Needless to say, President Voronin speaks only about an "asymmetric federation" formed by the Republic of Moldova and Transdnistria. This might displease Gagauz citizens.

Once they accept federalization as a model of settling the conflict, Transdnistria and Gagauz-Yeri would be entitled to demand Communist authorities to keep up their promises of joining Russia-Belarus Union. Fulfilling this electoral promise would justify their right to self-determination.

That is why a number of domestic and foreign experts believe Republic of Moldova is under a kind of "international protectorate" of the mediator countries, i.e. Russia and Ukraine, whose citizens control the Eastern region of the Republic of Moldova. They believe the "protectorate" should be extended by inviting new, unbiased guarantor countries able to guarantee the existence of the Moldovan state and not only that of Transdnistria. This extended protectorate should be accompanied by a plan of economic recovery to be supported by the mediator countries, which endorsed the federalization, let's say EU and USA. The arguments brought in favor of the scenario are: Republic of Moldova already has its sovereignty tarnished, fact proven by President's actions - first he disclosed the plan on conflict resolution to the Presidents of guarantor countries and only later to his own fellow citizens. The plan of economic recovery via guaranteed foreign investments should be accompanied by a very detailed timetable of adjusting the economic laws and resolution of political and constitutional problems stage by stage. Delay and failure to comply with the timetable should be sanctioned. Only after an economic recovery is achieved, and when possible economic losses would be strong incentives for the solidarization of the citizens, only then general elections should be held and sovereignty regained.

Regrouping of political forces

February 25, 2003

Last week was marked by the regrouping of political forces. A group of left wing parties, including the Communist Party as well, invited President Voronin to join the efforts in finding solutions for the "political consensus and civic peace in the society". So, the much-awaited "unification of the left and center-left forces" has finally happened. The Union shall be guided in its activity by the experience of the European left wing forces. The major goal of the Union is set to be "edification of a modern state in the Republic of Moldova".

Domestic analysts and experts praised the unification of the left wing forces. However, they also believe the event wouldn't have a significant impact on the behavior of left-wing voters. According to several opinion polls, Communist Party has a rating 10! times higher than that of the other seven parties taken together. Furthermore, the example of the left wing triggered a similar reaction within the right wing forces, which during a protest rally against the Communist ruling held on February 23, announced the establishment of a single electoral bloc in view of the upcoming local elections, comprising 8 parties.

To go back to the Left Union, it has a long-term goal, which is still quite vague. Eleven years of the Republic of Moldova's existence have shown that on the eve of elections ruling parties used to resort to state building rhetoric. The recent initiative of the left parties falls exactly within the same pattern. However, this time the situation is different from the previous years. For one thing, the Communist Party needs the Union not for strategic or electoral reasons, but rather for tactic matters. Under the current circumstances, when a series of opposition parties and two Parliament opposition factions made public their commitment to rally against the incumbent governing, Communist's intention to unify with minor left parties might prove to be very handy. Needless to say, those minor parties otherwise would have been "eliminated" via the recent amendment to the Law on Political Parties obliging parties to yearly confirm a 5,000 membership. So, those dying political parties proved their usefulness to the ruling party. The reward for being usefulness is the adjournment, at the initiative of President Voronin, of enforcing the said amendments until fall. In other words those parties are allowed to exist for now. However, those new allies of the ruling party should take into consideration the experience of the previous alliances Communist Party made. For instance, although the Communist faction was the one to draft and adopt the amendments to the Law on Political Parties and President promulgated them, the scapegoat found was Minister of Justice, Ion Morei, who is not even a member of the Communist Party and furthermore opposed the amendments.

As for the benefits Communist Party would derive from the unification, they are quite numerous. Firstly, the Communist Party elegantly proved that it is impossible to form a consolidated opposition in Moldova. Secondly, Communist Party gained a better image in the eyes of Council of Europe, which is monitoring the democratic developments in the Republic of Moldova. On February 12, President Voronin stated that "for Moldova, taking over the Presidency of the CE Ministerial Council is very important both from the national interests and promoting country image perspective". He demanded "assumed obligations to be fulfilled ASAP, which is paramount for

taking over the Presidency". The mandate of the Ministerial Council Presidency lasts for only six months, and it is very likely that afterwards the Communist Party would no longer need the Left Union. Nevertheless, there is one reason why the Left Union would still be useful, namely the initiative of Republic of Moldova federalization promoted by President Voronin.

On the other hand, at the first glance the coalition of the eight right-wing parties seems quite pragmatic. Their goal is to run within a single electoral bloc in the upcoming local elections. They are probably thinking of long term perspectives as well, i.e. running jointly in parliamentary elections, otherwise a coalition in view of local elections alone is useless. For this to happen, a series of important factors, which at the moment are viewed as major impediments for the consolidation of right-wing parties, should be given thorough consideration. Otherwise, the electoral bloc for the local elections might never materialize. After all, the future of the right wing coalition shall be tailored by the efforts of the Left Union to "edify a modern state", i.e. a federative state. A right wing coalition is viable only if conceived to oppose authorities' intentions to federalize the Republic of Moldova. It may well happen that some of the minor right wing parties would be absorbed by the Christian-Democratic Peoples' Party, whereas the Liberal and Socio-Liberal Parties would establish the Liberal Convention, which would occasionally cooperate with Christian-Democrats and other right wing parties on issues of mutual interest.

The positions taken by the Left Union and right-wing coalition sound promising for the social-democratic parties, which were left aside from the unification processes. Apparently, centrist parties' fantasy to influence the political process by choosing to form coalitions with either "right" or "left" might finally come true, especially as two parties Social Democratic Alliance, headed by former Prime-Minister Dumitru Braghis and Independent's Alliance headed by incumbent Chisinau Mayor, Serafim Urechean have already initiated talks in this respect. Both leaders enjoy such a rating able to secure an added value upon the parties unification.

In conclusion, without any administrative methods being employed political spectrum in the Republic of Moldova evolves towards purification.